

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cortez Beacham,

Case No. 20-CV-2490 (WMW/DTS)

Petitioner,

v.

REPORT AND RECOMMENDATION

Stearns County Courts/Jail,

Respondent.

In a letter dated December 8, 2020, the Clerk of Court informed Petitioner Cortez Beacham that the Court had received his case-opening documents, but had not received “the requisite filing fee of \$5.00 nor an Application to Proceed Without Prepayment of Fees or Costs.” Letter from Court to Beacham (Dec. 8, 2020), ECF No. 2. The Clerk indicated that if Beacham did not pay his filing fee or submit an application to proceed in forma pauperis within 15 days after the letter’s date—that is, by December 23, 2020—his case “could be summarily dismissed without prejudice.” *Id.*

That deadline has now passed, and Beacham has neither paid this action’s filing fee nor submitted an IFP application. In fact, Beacham has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with the Clerk’s earlier letter, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See, e.g., *Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, this Court **RECOMMENDS** that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: January 12, 2021

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).